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June 26, 2020

BY ECF & E-Mail

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Coke v. NYS DOCCS, 19-Civ-10038 (PMH)

Dear Judge Halpern:

This Office represents defendants Chief Medical Officer and Deputy Commissioner Dr. Carl J. Koenigsmann, Health Services Director Dr. Robert Bentivegna, Health Services Director Dr. Fredrick Bernstein, Medical Provider Dr. Yelena Korobkova, and Health Director Dr. Debra Geer (collectively "defendants").¹ I am writing to respectfully request a stay of the defendants' time to file their Reply, which is currently due on July 1, 2020, *see Dkt. No. 32*, until two weeks after the time that plaintiff either files his further Amended Complaint or his time to seek leave of the Court to further amend his Amended Complaint has expired, *see Dkt. No. 43*.

The defendants have only once before requested an extension of their time to file a Reply but that request was only made in the event that this Court granted plaintiff's application for additional time to retype and/or submit a further opposition. *See Dkt. No. 39 & 42*. But for plaintiff's initial application, the defendants would not have submitted that first request. In any event, neither the plaintiff's application nor the defendants' request that was submitted in response to the plaintiff's application was either granted or denied. This is the first time that the defendants are affirmatively asking for a stay of their time to file a Reply. The requested stay would not affect any other scheduled dates.

On June 16, 2020, plaintiff filed a "Notice of Motion". *See Dkt. No. 39*. On June 24, 2020, the Court granted plaintiff with 30 days to seek leave to further amend his Amended Complaint.

¹ The Amended Complaint names two additional defendants, RN Christine Raffaele and Grievance Program and Director Shelly Mallozzi who, as of the date of this letter, have not yet been served. *See Dkt. No. 44*.

See Dkt. No. 43. In light of the June 24, 2020 Court Order, the defendants' requested stay to file their Reply is needed in order to avoid making piecemeal Motions to Dismiss. Plaintiff's consent to this application has not been sought because of the difficulty in prompt communication with incarcerated *pro se* litigants during this time.

Thank you for your consideration of the application herein.

Respectfully submitted,

S/ John R. Doran
John R. Doran
Assistant Attorney General
(212) 416-8591

cc: William J. Coke, Sr.
02B1082
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
Plaintiff pro se
By Regular Mail

Application granted. In the event that Plaintiff does not seek to further amend his Complaint, Defendants' reply is due August 7, 2020. Defendants are instructed to mail a copy of this Order to Plaintiff and provide proof of service on the docket. The Clerk is instructed to terminate ECF No. 47.

SO ORDERED.

Dated: New York, NY
June 29, 2020


Philip M. Halpern, U.S.D.J.